

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH BROWN, on behalf of himself)
and other similarly situated individuals,)
)
Plaintiff,)
)
v.) No. 4:14CV1786 RLW
)
REDDY ICE CORPORATION,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Opposed Motion for an Extension of Time to File its Response in Opposition to Plaintiff's Motion to Conditionally Certify FLSA Collective Action (ECF No. 40). Plaintiff filed a response in opposition to the motion. Defendant did not file a reply brief, and the time for doing so has expired. Upon review of the motion and response, the Court will deny Defendant's motion.

Defendant requests that the Court extend the time for responding to Plaintiff's Motion to Conditionally Certify FLSA Collective Action until the Court has ruled on the pending motion for protective order, which, *inter alia*, seeks an order prohibiting Plaintiff from possessing allegedly privileged information from Ashley Hogan, a former employee of Defendant. However, the Case Management Order states that Defendant's response is due 30 days after Plaintiff files a motion for certification. The Court declines to extend this deadline and notes that concerns about potentially privileged information can be relieved by filing the response under seal. The Court will rule on the motion for protective order prior to addressing the motion to certify, and will afford proper weight to the information provided by Mr. Hogan in determining the certification issue.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for an Extension of Time to File its Response in Opposition to Plaintiff's Motion to Conditionally Certify FLSA Collective Action (ECF No. 40) is **DENIED**.

Dated this 6th day of April 2015.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE